

STATE OF MICHIGAN 36 <sup>TH</sup> JUDICIAL CIRCUIT 7 <sup>TH</sup> DISTRICT COURT PROBATE COURT VAN BUREN COUNTY	JOINT ADMINISTRATIVE ORDER RE:  RETURN OF BONDS POSTED	ADMINISTRATIVE ORDER NO.  2003 - 4J, C36 & P80  2002 - 05J, D07
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ADMINISTRATIVE ORDER ON RETURN OF BONDS POSTED IN THE NAME OF A DEFENDANT ONLY  
OR BY THIRD PARTIES

PURPOSE: To assure that any defendant who is entitled to the return of bond money that has been posted solely in that defendant's name, or any third party posting bond for another, does not receive the return of funds when the defendant or third party is justly indebted to any Court of the County for any sums towards which such a refund should apply.

EFFECTIVE DATE: March 1, 2003.

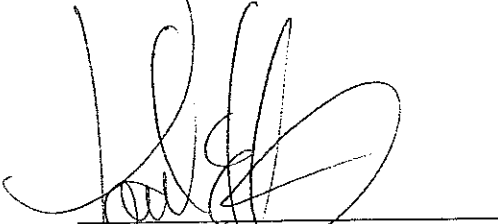
TO WHOM APPLICABLE: All judges, clerks and probation agents and caseworkers of the Circuit Court (including the Family Division and Office of the Friend of the Court), District Court and Probate Court of Van Buren County, and any principal defendant or third party depositor of funds with any court of the County.

- I. Before refunding any monies due and owing any criminal defendant in whose name a money bond is posted, or a third party for a defendant, or any payor in a support case, the court's employees shall ascertain whether or not the person to whom the monies are refundable is indebted to any court of Van Buren County, or delinquent in any amount of child or spousal support in Van Buren County. If there are amounts due and owing, the person so ascertaining shall do the following:
  - A. Notify the person entitled to the monies of the amount found due, the entity to whom the amount is due, and for what it is owing, and that the amount will be applied to that indebtedness, absent written objection submitted to the court owed the monies, within 14 calendar days of service of the notice.
  - B. Achieve service by personal service, or by mailing the notice by first class mail to the address shown on the bond. The date of mailing is the date of service.
  - C. Transfer the funds shown due and owing to the Court to whom the amount is shown to be due, together with a copy of the notice sent the person due the refund.
- II. The Court receiving the funds shall immediately apply the funds towards the amounts due.
- III. If objection is timely filed, the clerk of the court shall notice the matter for hearing. At the hearing the court shall determine only whether or not the amounts are in fact due and owing, and whether or not the objecting party is the same person owing the amounts the court determines are actually due and owing. Hearings shall be noticed by the court and heard within 21 days of the date an objection is filed.

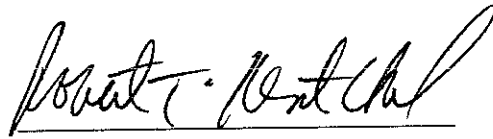
IV. No amount shall be determined due and owing if the same is outside the statute of limitations.

V. Failure to timely object waives any claim the party posting the original funds may have, against applying those funds to any indebtedness to the Court.

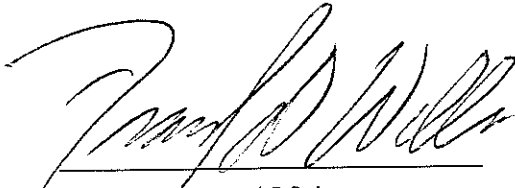
VI. If, after a hearing, the Court having applied the funds finds that there were amounts owed, and that the objecting party was the person owing said funds, those funds will remain applied to the account. If the Court finds the amount was not owing or less than the amount applied was owing, a refund shall be ordered.



Paul E. Hamre  
Chief Circuit Judge



Robert T. Hentchel  
Chief District Judge



Frank D. Willis  
Probate Judge